

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEITH BYRNE and KEREN BYRNE,	:	CIVIL ACTION NO. 1:19-CV-1291
	:	
Petitioners	:	(Chief Judge Conner)
	:	
v.	:	
	:	
CRAIG A. LOWE, Warden, in his	:	
official capacity, <i>et al.</i>,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 25th day of July, 2019, upon consideration of the emergency petition (Doc. 1) for writ of habeas corpus pursuant to 28 U.S.C. § 2241, the motion (Doc. 2) for “temporary injunctive relief,” and the motion (Doc. 3) for an order to show cause filed by petitioners Keith Byrne and Keren Byrne (“petitioners”), and following a telephonic conference with counsel for petitioners and counsel for respondents, and the court noting that petitioners are not challenging a final order of removal against Keith Byrne, it is hereby ORDERED that:

1. The petition (Doc. 1) for writ of habeas corpus is GRANTED in part and DENIED in part as follows:
 - a. Keith Byrne shall be temporarily RELEASED from custody of Immigration and Customs Enforcement (“ICE”) for a period of thirty (30) days, during which time he may seek injunctive relief and judicial review of his final denial of adjustment of status in the United States District Court for the Eastern District of Pennsylvania.
 - b. Nothing herein precludes the United States and ICE from re-detaining Keith Byrne or reinstituting removal proceedings following the above-mentioned 30-day period, subject, however, to any injunctive relief that may be issued by the United States District Court for the Eastern District of Pennsylvania.

2. Petitioners' motion (Doc. 2) for a temporary restraining order is GRANTED only insofar as Keith Byrne shall not be deported for the above-stated 30-day period so that he may pursue statutory relief permitted under the Immigration and Naturalization Act and the Administrative Procedures Act regarding adjustment of status. See Martinez v. Nielson, 341 F. Supp. 3d 400, 406-11 (D.N.J. 2018); see also Carter v. Attorney Gen. of U.S., 349 F. App'x 811, 813-14 & n.1 (3d Cir. 2009) (nonprecedential) (citing Pinho v. Gonzales, 432 F.3d 193, 204 (3d Cir. 2005)).
3. Petitioners' motion (Doc. 3) for an order to show cause is DISMISSED as moot in light of the foregoing.
4. The Clerk of Court is directed to transmit a copy of this order to the custodian at Pike County Correctional Facility, 175 Pike County Boulevard, Lords Valley, Pennsylvania 18428, to ensure prompt release of Keith Byrne (A#204-134-426).
5. Given anticipated proceedings in the Eastern District, the Clerk of Court shall mark this matter closed at the conclusion of the 30-day period set forth in paragraph 1 above.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania